

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EASTMAN KODAK COMPANY,

Plaintiff,

v.

Case No. 1:12-cv-03109 (DLC)

RICOH COMPANY, LTD.,

Defendant

**NOTICE OF DAUBERT MOTION TO EXCLUDE THE OPINIONS AND
TESTIMONY OF VINCENT A. THOMAS BY RICOH COMPANY, LTD.**

PLEASE TAKE NOTICE that upon Ricoh Company, Ltd.'s ("Ricoh") Memorandum of Law in Support of its *Daubert* Motion to Exclude the Opinions and Testimony of Vincent A. Thomas, and the accompanying Declaration of Graham Pechenik and attached exhibits, Ricoh will move this Court, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, to issue an Order excluding from evidence:

- 1) the opinions and testimony of Mr. Thomas relating to whether OEMs paid Kodak royalties;
- 2) the opinions and testimony of Mr. Thomas regarding the calculation of the number of Pentax cameras on which Ricoh purportedly owes a royalty to Kodak; and
- 3) the opinions and testimony of Mr. Thomas regarding the revenues that should form the royalty base in this case.

WHEREFORE, Ricoh requests that its *Daubert* Motion to Exclude the Opinions and Testimony of Vincent A. Thomas be granted in all respects.

DATED: October 7, 2013

Respectfully submitted,

By /s/ David Eiseman

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**Admitted pro hac vice
Counsel for Defendant Ricoh Company, Ltd.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT, on the 7th day of October, 2013, I caused the above document to be served on all attorneys of record via electronic mail.

DATED: October 7, 2013

/s/ *Graham M. Pechenik*
Graham M. Pechenik